

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKFILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 06 2016 ★

LONG ISLAND OFFICE

KENNETH D ALLEN 188793

Full name of plaintiff/prisoner ID#

Plaintiff

JURY TRIAL DEMAND

YES ☒ NO ☐

-against-

Francis Rathgeber - Anthony RussoBryant Danner - Joseph N. LomanginoJames J. Cohen - J. Zurek Sgt

Enter full names of defendants.

[Make sure those listed above are
identical to those listed in Part III.]

Defendants

CV 16 2399

AZRACK, J.

LINDSAY, M.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district;
if state court, name the county)

(Suffolk County)

4. Name of the Judge to whom case was assigned: Hon. Timothy P. Mazzei JLC

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

(Still pending)

6. Approximate date of filing lawsuit: 5/1/2016 May 1 2016

7. Approximate date of disposition: _____

II. Place of Present Confinement: 110 Center Drive Riverhead NY 11901

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (☒)

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not Lawsuit has NO

grievance procedure - Happened outside of corrections

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (☒)

F. If your answer is YES,

1. What steps did you take? Incident happened before

incarceration

2. What was the result? _____

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff KENNETH D ALLEN

Address 15 HARRISON AVE APT # 340 Amityville NY 11701

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

FRANCIS RATHGERER PID 34185 DET 1392

30 YAPHANK AVE

YAPHANK NY 11980

1st PCT
Sector 109

Sqd # 3420
T 3

Defendant No. 2

ANTHONY RUSSO PID 40198 PO/5924

30 YAPHANK AVE

YAPHANK NY 11980

Sqd # 0120
T 2

Defendant No. 3

BRIDGETT DORMER PID 40578 Shield 0741-PO 0310

30 YAPHANK AVE

YAPHANK NY 11980

Defendant No. 4

JOSEPH N LOMANGINO PID 40298 Shield 6001-PO 0120

30 YAPHANK AVE

YAPHANK NY 11980

Defendant No. 5

JAMES J CALLEE SGT 1210 120 T 4

30 YAPHANK AVE

YAPHANK NY 11980

1st PCT

Defendant No. 6

J. ZUR SGT 1233

30 YAPHANK AVE

YAPHANK NY 11980

I hereby declare that the defendants listed above are identical to those listed in the caption on page 1.

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

On September 29th approx 2pm I left my girlfriends house 97 Harrison Ave Amityville driving to go to the nearest store. approx one minute driving down Harrison Ave I approach a red light, at corner of Harrison and Rt 110 in Amityville. I notice a strange vehicle behind me and driver made a gesture for me to pull over which I did immediately right in front of fire house on Rt 110 in Amityville. two plain cloth undercover officers approached my vehicle and asked for license. I gave officer my license which was valid. plain cloth officer asked if car belonged to me and where was I going. I replied yes car is mine and going to the store. He then asked do I have anything illegal in the car. I replied no. He then asked could he search. I replied no and why. He said do I have something to hide. I stated not at all. officer then opened my door and grabbed my neck and arm. squeezing my neck he pulled me from car on driver side with force. I couldn't breathe other officer handcuffed me while other searched car and stated im only cuffed for their protection. After a search

Continued next

IV. A

If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

PAGE

only busted Lip Received only A&D ointment
NO medical treatment Received

V. Relief:

State what relief you are seeking if you prevail on your complaint.

I would like defendants Relieved AND Terminated
From employment for corruption and unethical conduct
Compensatory Damages 800,000

I declare under penalty of perjury that on 5-3-2016, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 3RD day of may, 2016. I declare under penalty of
perjury that the foregoing is true and correct.

Jenneth Allen
Signature of Plaintiff

Suffolk County
Name of Prison Facility

(CASE # 1-2181-15
DOB 5-9-72

(Docket 2015-5404052
540-40523
540-40529

110 CENTER DRIVE

Riverhead NY 11901
Address

CC: Suffolk County Executive

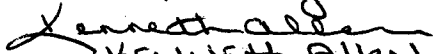
H LEE DENNISON BUILDING
100 VETERANS MEM HWY #6
Hempstead NY 11788

188793
Prisoner ID#

Continued Statement of Claim

Nothing was found. plain cloth officer put me in unmarked car and took me to precinct, while other officer drove my car to precinct. On the way there to precinct I'm in front seat and being smacked repeatedly and questioned about local incidents I had no knowledge of. The officer also asked me about guns and drugs and if I had any information about a murder. once at the precinct my lip was busted I told both undercover officers I had no information and why was I there. one of them came from another room and had a tiny thing wrapped in black plastic and asked me what it was and it was found in my 3rd row of my vehicle. I told him that wasn't in my car period. one hour later I'm charged with possession and a sale from a month prior to the date of this event and violation. Not an official proceeding - unsure of undercovers names fire house Rt 110 and Harrison Ave corner was location video surveillance possibility 9-29-15 approx 2pm. Felony complaint doesn't state official proceeding of traffic stop unjustified use of force from vehicle - illegal search and seizure no probable cause. Fabricated documents by defendants my civil rights were violated by being physically pulled by force with a hand around my neck from my vehicle and repeatedly smacked inside the unmarked car on way to precinct. Fabricated documents used to manipulate due process malicious prosecution in relation to these allegations (John Scarglato - Assistant District Attorney (Narcotics Bureau))

I Sincerely Thank You For your time and understanding in this matter.

Respectfully

 KENNETH ALLEN